



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,575	08/27/2001	Keigo Ihara	213074US6	1729
22850	7590	11/05/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/938,575	Applicant(s) IHARA ET AL.	
	Examiner Ramsey M Refai	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent; except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns et al (U.S. Patent No. 6,324,182).

4. As per claim 1, Burns et al teaches a content distribution method for making a reservation to a reservation control apparatus for the use of a distribution server that receives content sent from a distributor terminal apparatus and distributes the content by streaming to a client terminal apparatus, sending the content from said distributor terminal apparatus to said distribution server based on the reservation and thereby distributing the content, said content distribution method comprising:

a reservation requesting step of sending reservation request information including a desired service time to distribute content using said distribution server from said distributor terminal apparatus to said reservation control apparatus via a first network (**Figure 4, 118 , column 8, lines 60-65, and column 9, lines 25 -34**);

a content transmitting step of transmitting, when the reservation for the use of said distribution server during said desired service time included in said reservation request information is accepted (**column 5, lines 1-6; content provider accepts the request by performing the download of request content**), the content from said distributor terminal apparatus to said distribution server via a second network which is different from the first network, to distribute the content based on the accepted reservation (**Figure 6 and column 11, line 61- column 12, line 13**); and

a distributing step of distributing the content from said distributor terminal apparatus, by streaming from said distribution server to said client terminal apparatus (**column 4, lines 29 – 31 and column 7, lines 8-12**).

5. As per claim 2, Burns et al teach:

a reservation setting information transmitting step of transmitting, when the reservation for the use of said distribution server during said desired service time included in said reservation request information is accepted (**column 5, lines 1-6; content provider accepts the request by performing the download of request content**), the reservation setting information including communication/connection information necessary for said distributor terminal apparatus to establish a communication/connection with said distribution server via said second network,

from said reservation control apparatus to said distributor terminal apparatus via said first network (**Figure 6 and column 11, line 61 – column 12, lines 13; shows the use of a second network. Connection information would inherently be sent along with the request using the first network. The content server would require connection information in order to send the content using the second connection and to know where to send content and what type of connection to use since a content server is able to communicate with more than one source.);**

a storing step of writing and storing said communication/connection information included in said reservation setting information sent from said reservation control apparatus, in a predetermined storage area of said distributor terminal apparatus (**Figure 6; shows content database); and**

a communication establishing step of carrying out, when said distributor terminal apparatus accesses said distribution server based on the reservation to distribute content, processing of reading said communication/connection information stored in said predetermined storage area and establishing a communication/connection with said distribution server based on the read communication/connection information via said second network said reservation control apparatus to said distributor terminal apparatus via said first network (**Figure 6 and column 11, line 61 – column 12, lines 13; Connection information would inherently be sent and stored along with the request using the first network in the content server's database), and wherein**

after the communication/connection is established in said communication-establishing step, content is sent to said distribution server via said second network in said content transmitting step (**Figure 6 and column 11, line 61 – column 12, lines 13).**

6. As per claim 3, Burns et al teach:

said reservation setting information included in said reservation request information includes said communication/connection information for each of a plurality of carriers (**Figure 1, 36,38, and 40, Figure 6, and column 11, line 61 – column 12, line 13 shows the use of multiple carriers**), and

said communication establishing step reads said communication/connection information corresponding to a carrier preset by the user of said distributor terminal apparatus out of said communication/connection information to carry out processing of establishing a communication/connection with said distribution server based on the read communication/connection information via said second network (**Figure 6, and column 11, line 61 – column 12, line 13; shows the use of multiple carriers, content server uses the information stored in database to communicate according to appropriate carrier, using satellite in Figure 6.)**).

7. As per claim 4, Burns et al teach:

said first network is the Internet (**Figure 6 and column 11, lines 60 – column 12, line 13**); and

said second network is a dedicated network to transmit content to said distribution server

(Figure 6 and column 11, lines 60 – column 12, line 13).

8. As per claim 5, Burns et al teach content supply system composed of a distribution server that receives content sent from a distributor terminal apparatus and distributes the content by streaming to a client terminal apparatus and a reservation control apparatus that controls reservations of live distribution of content using said distribution server, said content supply system comprising:

a first network that connects said distributor terminal apparatus and said reservation control apparatus and is used to send/receive data about the reservation between said distributor terminal apparatus and said reservation control apparatus (**Figure 6 and column 11, lines 60 – column 12, line 13, and column 5, lines 1-6**); and

a second network that connects said distributor terminal apparatus and said distribution server and is used to send content from said distributor terminal apparatus to said distribution server (**Figure 6 and column 11, lines 60 – column 12, line 13**).

9. As per claim 6, Burns et al teach:

said first network is the Internet; and said second network is a dedicated network to send content to said distribution server (**Figure 6 and column 11, lines 60 – column 12, line 13**).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

a. Birdwell et al (U.S. Publication No. 2004/0027996)

- b. Birdwell et al (U.S. Patent No. 6,108,706)
- c. Dunn et al (U.S. Patent No. 6,765,868)
- d. Birdwell et al (U.S. Patent No. 6,041,359)
- e. Kim et al (U.S. Patent No. 6,219,704)
- f. Fukui et al (U.S. Patent No. 6,052,715).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey M Refai whose telephone number is (703) 605-4361 (after November 1, 2004, (571) 272-3975). The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey M Refai
Examiner
Art Unit 2154

RMR
October 25, 2004

